

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 150

5 By: Senator J. Dismang
6 By: Representatives Gillam, Biviano
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For An Act To Be Entitled

9 AN ACT TO AMEND PAROLE ELIGIBILITY FOR PERSONS
10 CONVICTED OF A FELONY SEX OFFENSE; AND FOR OTHER
11 PURPOSES.
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Subtitle

15 TO AMEND PAROLE ELIGIBILITY FOR PERSONS
16 CONVICTED OF A FELONY SEX OFFENSE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 16-93-615(b)(1), regarding an inmate who is
22 subject to discretionary transfer to the Department of Community Correction
23 by the Parole Board after having served one-third (1/3) or one-half (1/2) of
24 his or her sentence, is amended to read as follows:

25 (b)(1) An inmate under sentence for one (1) of the following felonies
26 ~~shall be~~ is eligible for discretionary transfer to the Department of
27 Community Correction by the Parole Board after having served one-third (1/3)
28 or one-half (1/2) of his or her sentence, with credit for meritorious good
29 time, depending on the seriousness determination made by the Arkansas
30 Sentencing Commission, or one-half (1/2) of the time to which his or her
31 sentence is commuted by executive clemency, with credit for meritorious good
32 time:

33 (A) ~~Any homicide, §§ 5-10-101—5-10-105, unless the~~
34 ~~offense is listed under § 16-93-612(e)(1);~~ Unless the offense is listed under
35 § 16-93-612(e)(1), the following homicide offenses:

36 (i) Capital murder, § 5-10-101;



- 1 (ii) Murder in the first degree, § 5-10-102;
- 2 (iii) Murder in the second degree, § 5-10-103;
- 3 (iv) Manslaughter, § 5-10-104; or
- 4 (v) Negligent homicide, § 5-10-105;

5 (B) ~~Sexual assault in the first degree, § 5-14-124~~ An
 6 offense for which the inmate is required upon release to register as a sex
 7 offender under the Sex Offender Registration Act of 1997, § 12-12-901 et
 8 seq., unless the offense is listed under § 16-93-612(e)(1);

9 ~~(C) Sexual assault in the second degree, § 5-14-125;~~
 10 ~~(D)(C)~~ Battery in the first degree, § 5-13-201;

11 ~~(E)(D)~~ Domestic battering in the first degree, § 5-26-303;

12 ~~or~~

13 ~~(F)(E)~~ The Unless the offense is listed under § 16-93-
 14 612(e)(1), the following Class Y felonies:

15 (i) ~~Kidnapping, § 5-11-102, unless the offense is~~
 16 ~~listed under § 16-93-612(e)(1);~~

17 ~~(ii) Rape, § 5-14-103, unless the offense is listed~~
 18 ~~under § 16-93-612(e)(1);~~

19 ~~(iii)(ii)~~ Aggravated robbery, § 5-12-103, unless the
 20 offense is listed under § 16-93-612(e)(1); or

21 ~~(iv)(iii)~~ Causing a catastrophe, § 5-38-202(a),
 22 unless the offense is listed under § 16-93-612(e)(1);

23 ~~(G)(F)~~ Engaging in a continuing criminal enterprise, § 5-
 24 64-405; or

25 ~~(H)(G)~~ Simultaneous possession of drugs and firearms, § 5-
 26 74-106.

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